



Qwest
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Melissa Thompson
Senior Attorney

November 10, 2005

Ms. Ilona Jeffcoat-Sacco
Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue -- 12th Floor
Bismarck, ND 58505-0480

Re: Qwest Corporation and Ernest Communications, Inc. QPP™ Master Services Agreement

Dear Ms. Jeffcoat-Sacco:

Qwest and Ernest Communications, Inc. recently executed a commercial agreement relating to the provisioning of switching and shared transport. The agreement is entitled "Master Services Agreement" and includes the "Qwest Platform Plus™ Service" (together hereinafter, the "Agreement").

On April 6, 2005, the Commission issued an Order in Case No. PU-04-402 wherein the Commission denied Qwest's Motion to Dismiss and approved an agreement between Qwest and MCImetro Access Transmission Services, L.L.C. similar to the one at issue here between Qwest and Ernest Communications, Inc. In the Order, the Commission purports to exercise jurisdiction over the Agreement as an interconnection agreement ("ICA"), within the meaning of Section 251 of the Telecommunications Act of 1996 (the "Act"), that must be filed for approval by the Commission pursuant to Section 252 of the Act. Qwest has disputed, and will continue to dispute, that the Agreement and similar commercial arrangements between Qwest and CLECs are ICAs that must be filed with the Commission for approval pursuant to Section 252 of the Act. Notwithstanding this position, and without waiving any of its rights or arguments on these issues, Qwest is filing the Agreement as set forth above. Qwest is making the filing, under protest, solely to avoid further controversy or disputes with the Commission regarding the appropriate legal status of the Agreement, pending adjudication of this issue by the Federal Communications Commission and/or the courts.

Contact information for Ernest Communications, Inc. is as follows:

Paul Masters, President
Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, GA 30092
Telephone: 770-242-9069

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We have enclosed an original of the Agreement and will forward an electronic copy of the Agreement to you for posting on the Commission's website. We have also enclosed a copy of this letter for date-stamping. Please return that copy to us. If you have any questions or concerns, please contact me.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa K. Thompson", with a long horizontal flourish extending to the right.

Melissa K. Thompson

Enclosure

cc: Gina Buchholtz (w/o enclosures)
Paul Masters (w/o enclosures)